

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:)	Chapter 11
)	
EASTERN LIVESTOCK CO., LLC,)	Case No. 10-93904-BHL-11
)	
Debtor.)	Hon. Basil H. Lorch III

**VERIFIED MOTION TO ORDER BOND TRUSTEE TO TURN OVER
WEST KENTUCKY LIVESTOCK MARKET'S BOND CLAIM PAYMENT
TO EASTERN LIVESTOCK BANKRUPTCY TRUSTEE**

James Knauer, Chapter 11 Trustee for Eastern Livestock Co. LLC (“Bankruptcy Trustee”), seeks an order from this Court ordering James Knauer in his capacity as Eastern Livestock USDA Bond Trustee (“Bond Trustee”) to turn over the \$7,398.88 bond claim payment otherwise due to West Kentucky Livestock Market, LLC (“West Kentucky”) to the Bankruptcy Trustee for the benefit of the Eastern Livestock estate and in partial satisfaction of this Court’s \$204,673.55 judgment against West Kentucky. The Bankruptcy Trustee states the following in support of this motion:

1. On December 21, 2012, the Bankruptcy Trustee instituted an adversary proceeding, no. 12-59146, against West Kentucky, asserting breach of contract, fraudulent transfer, and preferential transfer claims.
2. On May 23, 2013, this Court entered a default judgment against West Kentucky and in favor of the Bankruptcy Trustee in the amount of \$204,673.55, plus costs. A copy of the judgment is attached hereto as Exhibit 1.
3. The Bankruptcy Trustee has not received any payment with respect to the judgment against West Kentucky. The records of the Kentucky Secretary of State confirm that West Kentucky was administratively dissolved. See Exhibit 2.

4. In 2010 West Kentucky asserted a bond claim in the amount of \$169,463.05 with the United States Department of Agriculture seeking distribution from Eastern Livestock's bond.

5. Pursuant to the proceedings regarding disposition of claims asserted against Eastern's bond, pending as cause number 4:11-cv-00114-SEB-WGH in the United District Court for the Southern District of Indiana, the bond claims have been resolved and the final payout amounts have been determined. West Kentucky's bond claim has resulted in an approved payout amount of \$7,398.88, which the Bond Trustee is required to make pursuant to the District Court's Order Approving Trustee's Motion to Make Final Distribution of Bond Proceeds, attached hereto as Exhibit 3.¹

6. The Bankruptcy Trustee therefore seeks an order from the Court to enforce his judgment against West Kentucky and require the Bond Trustee to pay the bond claim amount of \$7,398.88 to the Bankruptcy Trustee for the benefit of the Eastern Livestock estate and in partial satisfaction of the Bankruptcy Trustee's judgment.

WHEREFORE, the Trustee respectfully requests an order from this Court directing James Knauer, in his capacity as Eastern Livestock Bond Trustee, to pay West Kentucky's bond claim payment to James Knauer, in his capacity as Eastern Livestock Bankruptcy Trustee, for the benefit of the Eastern Livestock bankruptcy estate and in partial satisfaction of the Bankruptcy Trustee's judgment against West Kentucky, and all other appropriate relief.

¹ The Bankruptcy Trustee also attaches as Exhibit 4 a copy of the Bond Trustee's motion requesting the order to approve the final distribution, including the claim schedule with estimated payouts. The payment to West Kentucky is slightly higher than the estimated amount listed in the claim schedule due to inclusion of interest in the final pro rata calculation.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/ Harmony Mappes

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VERIFICATION

I affirm, under penalties for perjury, that the foregoing representations are true to the best of my information and belief.

/s/ James A. Knauer

James Knauer

Eastern Livestock Bankruptcy Trustee

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2014, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on September 9, 2014, a copy of the foregoing pleading was served via electronic mail transmission on the following:

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